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Attorneys for Defendants Mortgage Electronic Registration Systems, Inc. and U.S. Bank
National Association

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re)	
)	Case No. 10-63814-fra13
Donald Eugene McCoy, III,)	
)	Defendants Mortgage Electronic Registration
Debtor.)	Systems, Inc.'s and U.S. Bank National
)	Association's
)	MOTION TO DISMISS COMPLAINT
)	
)	(ORAL ARGUMENT REQUESTED)
<hr/> Donald E. McCoy,)	
)	
Plaintiff,)	
)	
vs.)	
)	
BNC Mortgage, Inc., a Delaware corporation,)	
Mortgage Electronic Registration Systems, Inc.,)	
a Delaware corporation, Northwest Trustee)	Adv. Proc. No. 10-06224-fra
Services, Inc., a Washington corporation, U.S.)	
Bank National Association, as Trustee for the)	
Structured Asset Investment Loan Trust, 2005-)	
10, AIG Federal Savings Bank, Finance)	
America, LLC, Lehman Brothers Holdings,)	
Inc., Impact One Mortgage Services,)	
)	
<hr/> Defendants.)	

LBR 7007-1 CERTIFICATE OF CONFERRAL

Counsel for defendants Mortgage Electronic Registration Systems, Inc. and U.S. Bank National Association (collectively “Defendants”) certifies that she conferred in good faith with opposing counsel before filing this motion, but was unable to resolve the dispute.

MOTION TO DISMISS

Pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rule of Civil Procedure 12(b)(6), Defendants move the Court to dismiss plaintiff’s Complaint with prejudice for failure to state a claim.

This Motion is based on the pleadings in the record, the Memorandum in Support of Motion to Dismiss, the accompanying Request for Judicial Notice or Incorporation of Documents, and the Declaration of Julie M. Engbloom filed concurrently herewith.

DATED: October 13, 2010

LANE POWELL PC

By /s/ Pilar C. French

Pilar C. French, OSB No. 962880
Attorneys for Defendants Mortgage Electronic
Registration Systems, Inc. and U.S. Bank National
Association

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2010, I caused to be served a copy of the foregoing DEFENDANTS MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S AND U.S. BANK NATIONAL ASSOCIATION'S MOTION TO DISMISS COMPLAINT on the following person(s) in the manner indicated below at the following address(es):

- JOHN O CAMPBELL ocampbell@houser-law.com; scleere@houser-law.com
- JOHN M THOMAS jthomas@rcolegal.com

- ☒ by **CM/ECF**
- ☐ by **Electronic Mail**
- ☐ by **Facsimile Transmission**
- ☐ by **First Class Mail**
- ☐ by **Hand Delivery**
- ☐ by **Overnight Delivery**

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/s/ Pilar C. French

Pilar C. French